

C O U N C I L C O M M U N I C A T I O N

TO: THE CITY COUNCIL
FROM: THE CITY MANAGER'S OFFICE

COUNCIL MEETING DATE:
MAY 16, 1990

SUBJECT: NOVEMBER 6, 1990 GENERAL MUNICIPAL ELECTION

RECOMMENDED ACTION:

We would recommend, based on past policy, that Council adopt the following resolutions pertaining to the November 6, 1990 General Municipal Election:

- a) Resolution No. 90-73 - Calling for the November 6, 1990 General Municipal Election
- b) Resolution No. 90-74 - Establishing regulations pertaining to the Candidates' Statement
- c) Resolution No. 90-75 - Regarding filing fee for processing nomination papers
- d) Resolution No. 90-76 - Regarding limits on campaign contributions

The 1990 General Municipal Election for three council seats will be held on Tuesday, November 6, 1990. The terms of Council Members Olson, Reid and Snider are expiring.

By State Statute a number of actions and decisions must be made by the Council prior to the opening of nominations (July 16, 1990).

- a) It will be necessary for the Council to adopt a resolution calling for the election. We have attached a sample resolution entitled "A Resolution of the City Council of the City of Lodi, California, Calling and Giving Notice of the Holding of a General Municipal Election to be Held in the City on Tuesday, November 6, 1990 for the Election of Certain Officers of the City as Required by the Provisions of the Laws of the State of California Relating to General Law Cities".
- b) The California Elections Code allows each candidate, for a nonpartisan elective office in a city, to prepare a statement to be included with the sample ballot and mailed to each registered voter.

The law requires the council to adopt a policy no later than seven days before the nominations period opens regarding the candidates' obligation for payment for candidates' statements. The policy may also include the City's position on three additional aspects of the Voters Pamphlet mailing:

PAYMENT: Elections Code Section 10012 allows the City to estimate the cost of the Candidates' Statement and require each candidate filing a statement to pay in advance to the City his or her pro rata share as a condition of having his or her statement included in the voters pamphlet. The cost of the Candidates' Statement may be borne by the city, the candidate, or the cost shared between them. (It should be noted that the city has in the past elected not to charge candidates for the cost of the Candidate's Statements.)

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WORD LIMIT: The Council may authorize an increase in the limitation on words for the statement ~~from 200~~ to 400 words. (It should be noted that the city has in the past elected not to increase the word limitation to 400 words.)

SPANISH LANGUAGE The city may wish to include a **summary** of its policy regarding the Voting Rights Act in the policy resolution. (It should be noted that Federal Law does not require Spanish translation except to voters in four California counties. San Joaquin County is not one of the four mandated counties. The City of Lodi has **for** many years undertaken an oral assistance program, which we **recommend** we continue to do.)

Attached please find a **sample** resolution regarding the Candidates' Statement **entitled**, "A Resolution of the City Council of the City of Lodi, California, Adopting Regulations for Candidates for Elective Office, Pertaining to Materials Submitted to the Electorate and the costs of the Candidates' Statement for the General Municipal Election to be held in the City on Tuesday, November 6, 1990" for Council's consideration.

By law, the City Clerk must issue a copy of the city policy relating **to** Candidates' Statements at the time nomination papers are issued.

- c) The City Council ~~may~~ adopt an ordinance requiring a filing fee, not to exceed \$25.00, to be paid at the time **nomination** papers are filed. California courts have ruled that the City Clerk ~~may~~ not refuse to place a candidates **name** on the ballot due to an inability to pay the filing fee. **If** you cannot waive the fee, you must provide an alternative. Court guidelines are similar to Elections Code Section 6555 providing for the substitution of four **signatures** of registered voters for each one dollar of the filing fee, or 10% of the total of registered voters in the district in which he seeks nomination, whichever is less. The Council must take appropriate action to enact or repeal the filing fee ordinance sufficiently in advance of the first day of the nomination process. (It should be noted that the City has in the past determined that there will be no filing fee).

We have attached a sample resolution entitled, "Resolution Determining that there will be No filing Fee Charged for the Processing of a Candidates' Nomination Papers for the November 6, 1990 General Municipal Election" for Council's consideration.

- d) State Statute allows the Council to set a limit **on** campaign contributions. (It should be noted that the City has in the past determined that no limit would be set on campaign contributions).

We have attached a sample resolution entitled, "Resolution Determining that No Limit Shall be Set on Campaign Contributions for the November 6, 1990 General Municipal Election" for Council's consideration.


Alice M. Reimche
City Clerk

AMR/jmp

RESOLUTION NO. 90-73

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY ON TUESDAY, NOVEMBER 6, 1990, FOR THE ELECTION OF CERTAIN OFFICERS OF THE CITY AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES.

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WHEREAS, under the provisions of the laws relating to General Law Cities in the State of California, a regular general **municipal** election shall be held on Tuesday, November 6, 1990 for the election of municipal officers;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, DOES HEREBY RESOLVE, **DECLARE**, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. -That, pursuant to ~~the~~ requirements of the ~~laws of the State~~ of California relating to General Law Cities within said State, there is called and ordered held in the City of Lodi, California, on Tuesday, November 6, 1990, a general municipal election of the qualified electors of the City for the purpose of electing three (3) members of the City Council of said City for the ~~full~~ term of four years.

SECTION 2. That the ballots to be used at the ~~election shall be~~, in form and content, such as may be required by law to be used in the election.

SECTION 3. That the City Clerk of the City of Lodi is authorized, ~~instructed~~ and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia ~~that~~ may be necessary in order to properly and lawfully conduct said election.

SECTION 4. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously ~~from~~ that time until 8:00 o'clock p.m. of the same day when the ~~polls~~ shall be closed, except as provided in Section 14301 of the Election Code of the State of California.

SECTION 5. That in all particulars not recited in ~~this Resolution~~, the election shall be held and conducted as provided by law for holding municipal elections in the City.

SECTION 6. That notice of the ~~time and place~~ of holding ~~the election~~ is given and the City Clerk is authorized, instructed and directed to give such further or

additional notice of the election, in time, form and manner
as required by law.

SECTION 7. That the City Clerk shall certify to
the passage and adoption of this Resolution and enter **it** into
the book of original Resolutions.

Dated: May 16, 1990

I hereby certify that Resolution No. 90-73 was passed
and adopted by the City Council of the City of Lodi in a
regular meeting held May 16, 1990 by the following vote:

Ayes : Council Members -

Noes: Council Members -

Absent: Council Members -

Abstain: Council Members -

ALICE M. REIMCHE
City Clerk

RES9073/TXTA.01V

RESOLUTION NO. 90-74
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE, PERTAINING TO MATERIALS SUBMITTED TO THE ELECTORATE AND THE COSTS OF THE CANDIDATE'S STATEMENT FOR THE GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY ON TUESDAY, NOVEMBER 6, 1990.

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WHEREAS, Section 10012 of the Elections Code of the State of California provides that the governing body of any local agency adopt regulations pertaining to materials prepared by any candidate for a municipal election including costs of the candidates statement;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. GENERAL PROVISIONS. That, pursuant to Section 10012 of the Elections Code of the State of California, each candidate for elective office to be voted for at the General Municipal Election to be held in the City of Lodi on November 6, 1990, may prepare a candidate's statement on an appropriate form provided by the City Clerk. Such statement may include the name, age and occupation of the candidate and a brief description of no more than 200 words of the candidate's education and qualifications expressed by the candidate himself or herself. Such statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. Such statement shall be filed in the office of the City Clerk at the time the candidate's nomination papers are filed. Such statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.

SECTION 2. ADDITIONAL MATERIALS. No candidate will be permitted to include additional materials in the sample ballot package.

SECTION 3. PAYMENT. No charges shall be levied to the candidates for the printing, handling, or distribution of the candidate's statement.

SECTION 4. SPANISH LANGUAGE. The clerk shall have translated and printed in the voter's pamphlet only the candidates statements of those candidates who request translation and printing.

SECTION 5. That the City Clerk shall provide each candidate or the candidate's representative a copy of this Resolution at the time nomination petitions are issued.

SECTION 6. That all previous resolutions establishing Council policy on payment for candidates are repealed.

SECTION 7. That this Resolution shall apply **only** to the general municipal election to be held on November 6, 1990 and shall then ~~be~~ repealed.

SECTION 8. That the City Clerk shall certify to the passage and adoption of this Resolution and enter **it into** the book of original Resolutions.

Dated: May 16, 1990

I hereby certify that Resolution No. 90-74 was passed and adopted ~~by~~ the Lodi City Council in a regular meeting held May 16, 1990 ~~by~~ the following vote:

Ayes : Council Members -

Noes : Council Members -

Absent: Council Members -

Abstain: Council Members -

Alice M. Reimche
City Clerk

RESOLUTION NO. 90-75

**A RESOLUTION OF THE LODI CITY COUNCIL
DETERMINING THAT THERE WILL BE NO FILING FEE CHARGED FOR THE PROCESSING
OF A CANDIDATE'S NOMINATION PAPERS FOR THE NOVEMBER 6, 1990 GENERAL
MUNICIPAL ELECTION.**

WHEREAS, Section 22843 of the Elections Code of the State of California provides that the City Council may impose a filing fee proportionate to the costs of processing a candidate's nomination papers, but not exceeding twenty-five dollars (\$25.00) to be paid upon the filing of such nomination papers;

NOW, THEREFORE, BE IT RESOLVED, that the Lodi City Council does hereby set forth the following regulation pertaining to the November 6, 1990 General Municipal Election:

a) No filing fee will be imposed for the processing of candidate's nomination papers.

BE IT FURTHER RESOLVED, that each candidate or his/her representative shall be provided with a copy of this Resolution by the City Clerk at the time he/she picks up his/her nomination papers.

Dated: May 16, 1990

I hereby certify that Resolution No. 90-75 was passed and adopted by the Lodi City Council in a regular meeting held May 16, 1990 by the following vote:

Ayes: Council Members -

Noes: Council Members -

Absent: Council Members -

Abstain: Council Members -

Alice M. Reimche
City Clerk

90-75

RES9075/TXTA.01V

RESOLUTION NO. 90-76
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A RESOLUTION OF THE LODI CITY COUNCIL
DETERMINING THAT NO LIMIT SHALL BE SET ON CAMPAIGN CONTRIBUTIONS
FOR THE NOVEMBER 6, 1990 GENERAL MUNICIPAL ELECTION

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WHEREAS, Section 22808 of the State of California Elections Code provides that a City may by ordinance or resolution limit campaign contributions in municipal elections;

NOW, THEREFORE, BE IT RESOLVED, that the Lodi City Council following review of the matter does hereby determine that no limit shall be set on campaign contributions for the November 6, 1990 General Municipal Election.

Dated: May 16, 1990

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I hereby certify that Resolution No. 90-76 was passed and adopted by the Lodi City Council in a regular meeting held May 16, 1990 by the following vote:

Ayes: Council Members -

Noes: Council Members -

Absent: Council Members -

Abstain: Council Members -

Alice M. Reimche
City Clerk